

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

James Brady, et al.,

**File No. 04-CV-949
(DSD/SRN)**

Plaintiffs,

v.

REPORT AND RECOMMENDATION

**Jerry Lee Pilsner, d/b/a Cutting Edge
Sawing & Coring**

Defendant.

Pamela Hodges Nissen, Esq., on behalf of Plaintiffs

Carol Berg O'Toole, Esq., on behalf of Defendant

SUSAN RICHARD NELSON, United States Magistrate Judge

The above entitled matter came before the undersigned United States Magistrate Judge on January 19, 2005 for a Settlement Conference. The Defendant agreed to pay and the Plaintiffs agreed to accept \$9,000.00 on or before March 1, 2005 as full settlement of this matter. In addition, Defendant agreed to execute an Indemnification and Defense Agreement.

As the minutes of the Settlement Conference indicate, if Defendant failed to make payment, judgment would be entered against him. (See Doc. No. 27.) To date, Plaintiffs have not received payment. (Aff. of P. Nissan at 2.)

Accordingly, the Court recommends that judgment in the amount of \$9,000.00 be entered

against Defendant and should the Hon. David S. Doty adopt this Recommendation, that Defendant shall execute the Indemnification and Defense Agreement provided by Plaintiffs' counsel within five days of service of Judge Doty's Order.

Dated: April 20, 2005

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States Magistrate Judge

Pursuant to Local Rule 72.1(c)(2), any party may object to this Report and Recommendation by May 5, 2005, after being served with a copy thereof. The objecting party must file with the Clerk of the Court and serve on all parties, written objections which specifically identify the portions of the proposed findings, recommendations, or report to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.